

REMARKS

REJECTIONS BASED ON PRIOR ART

Rejections under 35 U.S.C. §103(a)

In paragraph 2 of the Office Action, claims 1-7, 10 and 13-17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kavanagh et al. ("Kavanagh"; U.S. Patent No. 5,742,813) in view of Vahalia et al. ("Vahalia"; U.S. Patent No. 6,389,420). This rejection is traversed.

Claim 1 recites features that are not disclosed or suggested in Kavanagh and/or Vahalia. For example, neither cited reference discloses or suggests, separately or in combination, a lock data structure comprising a version number related to a number of changes to an associated resource object since the lock data structure was generated. More specifically, the Vahalia reference, which was alleged in the Office Action to disclose such feature, does not disclose or suggest a version number **related to the number of changes since the lock data structure was generated**. As described in the specification (page 7, lines 12-14), with the version number as part of the lock data structure, locking can be performed without changing the objects themselves.

By contrast, the Vahalia version number is associated with metadata and is changed every time the metadata is changed (col. 17, lines 35-38), where the metadata includes the disk block numbers of a file (col. 17, line 50) and, therefore, is used to access the file (col. 2, lines 10-12). Vahalia does not disclose or suggest (1) a relationship between a version number and a lock data structure, with the relationship between the version number and the lock being (2) based on changes to the resource since the lock was generated. Neither does Vahalia disclose a version number related to a number of changes to the resource object *since the metadata was*

generated, as alleged on page 5 of the Office Action. Furthermore, Kavanagh does not cure these deficiencies in Vahalia.

The teachings of Kavanagh and Vahalia are related to locks associated with shared resources; however, neither discloses or suggests such a lock data structure as recited in claim 1. Given that the cited references are generally in a similar technological area as the invention recited in claim 1, and that neither teaches or suggests a lock and an associated version number, it follows that the references, separately or in combination, do not make claim 1 obvious. One skilled in the art would not likely infer a lock as recited in claim 1, nor would one find it obvious, based on the cited references. Therefore, claim 1 is patentable over the references of record and withdrawal of the rejection of claim 1 is kindly requested.

Claims 2-6 depend directly or indirectly from claim 1 and, therefore, are patentable over the references of record for at least the reasons described above in reference to claim 1. Furthermore, each of claims 2-6 recite additional features that are not taught, disclosed or suggested by Kavanagh and/or Vahalia.

For example, with respect to claim 4, the cited references do not disclose or suggest (1) a lock data structure comprising a reference number, (2) setting the reference number to a predetermined initial value and, (3) in some instances, **replacing the reference number value with a sum of the value and a predetermined reference change value**. FIG. 15 of Kavanagh, which was alleged in the Action to teach such a reference number in support of the rejection of claim 4, in no way discloses or suggests a reference number associated with a lock and the use thereof as recited in claim 4. Furthermore, neither the specification of Kavanagh nor the disclosure of Vahalia cures this deficiency. Therefore, for these additional reasons, claims 4-6 are patentable over the references of record.

The rejection of claims 7, 14 and 16 is traversed. With respect to these claims, as with claim 1, the cited references do not disclose or suggest a version number associated with a lock data structure and **related to the number of changes since the lock data structure was generated**. Therefore, claims 7, 14, 16 and 18 are patentable over the references of record for at least the same reasons as claim 1.

However, to expeditiously advance the application to issue, claim 7 is canceled without prejudice or disclaimer. Applicant reserves the right to pursue patent protection of the invention recited in claim 7, without any estoppel based on the cancellation herein. Claims 14, 16 and 18 are amended to include the acknowledged allowable subject matter recited in claim 8. Therefore, claims 14, 16 and 18 are patentable over the references of record and withdrawal of the rejection of claims 14 and 16 is requested.

With respect to claim 10, it is amended to depend from claim 8, which is in allowable form as discussed below in reference to claim 8. Withdrawal of the rejection of claim 10 is kindly requested.

OBJECTIONS

In paragraph 3 of the Office Action, claims 8, 9, 11 and 12 are objected to as being dependent on a rejected base claim. Claim 8 is amended to independent form and includes the features of former claim 7. Claims 9-12 still depend directly or indirectly from claim 8. Therefore, claims 8-12 are patentable over the references of record.

NEW CLAIMS

New claims 19-30 recite features similar to the features of claims 9-12; however, in different claim formats. For the reasons discussed above in reference to claims 9-12, new claims 19-30 are patentable over the references of record.

CONCLUSION

For at least the reasons set forth above, Applicant submits that all of the pending claims (1-6, 8-30) present patentable subject matter over the art of record, including that which was cited but not applied, and are in condition for allowance. Therefore, Applicant respectfully requests the Office to issue a timely Notice of Allowance in this case. If the Examiner has questions regarding this case, the Examiner is invited to contact Applicant's undersigned representative.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortages in fees due in connection with the filing of this paper, including extension of time fees, or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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